

FILED

FEB 25 2016

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JACKSON BRYANT BAUGUS,

Plaintiff,

vs.

ARNIE BREY and MARY LOU
BREY,

Defendants.

CV 16-13-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations on January 26, 2016, recommending closing this case if Plaintiff Jackson Baugus's ("Baugus") has not paid the filing fee within thirty days. Baugus was not entitled to object to the Findings and Recommendations. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998). As a result, this Court reviews the Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations

omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that Baugus has failed to pay the filing fee in this matter and is most likely subject to the three strikes provision of 28 U.S.C. § 1915(g). Because the filing fee has still not been paid, the Court will adopt the recommendation that this matter be dismissed if Baugus fails to pay the filing fee within thirty days of Judge Lynch's Findings and Recommendations.

There being no clear error in Judge Lynch's Findings and Recommendations, IT IS ORDERED that:

(1) Judge Lynch's Findings and Recommendations (Doc. 3) are ADOPTED IN FULL.

(2) Baugus is not allowed to proceed in forma pauperis in this matter. The Clerk of Court is directed to close this case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure if Baugus fails to pay the filing fee within thirty days of Judge Lynch's Findings and Recommendations, issued on January 26, 2016.

Dated this 25th day of February, 2016.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

Dana L. Christensen, Chief Judge
United States District Court